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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Case No. 3:15-cr-00438-JO

Plaintiff, **RESPONSE TO GOVERNMENT'S
MOTION TO CONTINUE DEADLINE
FOR EXPERT REPORT**
v.

WINSTON SHROUT,

Defendant.

The defendant, Winston Shroud, through his attorney, Ruben L. Iñiguez, submits this response to the government's motion to continue the Court's June 29th deadline for the court-appointed expert to submit a psychological report. *See* CR 141.

BACKGROUND

On May 7, 2018, the Court held a hearing on Mr. Shroud's motion to determine mental competency. CR 141. Among other things, the Court entered a minute order

"ordering a competency evaluation by Dr. [Stephanie Maya] Lopez at OHSU *with a report due no later than 6/29/2018.*" *Id.* (Emphasis added).

On June 16, Mr. Shrout met with Dr. Lopez for more than five hours for the purpose of the evaluation. Since then, Mr. Shrout has continued to cooperate in the evaluation process by executing and submitting release of information forms to Dr. Lopez, providing her names of medical providers at the VA, providing relevant pages from his passport, and coordinating a collateral interview with Patricia Bekken.

On June 19, three days after the evaluation, defense counsel emailed Dr. Lopez and informed her that "Pat Bekken is willing to speak with you." Two days later, on June 21, defense counsel reiterated that "Ms. Bekken ... is willing to speak with you." Counsel asked Dr. Lopez to "[p]lease let me know if you would like me to make the arrangements necessary to facilitate a conversation with her."

Counsel did not receive a response from Dr. Lopez until Saturday, June 23. Counsel was not at work over the weekend to receive the email. As soon as counsel received the message on Monday, June 25, he contacted Ms. Bekken to inquire whether she was available on Friday, June 29, at 10:00 a.m.—the date and time that Dr. Lopez was requesting to speak with her.

The next day, Tuesday, June 26, defense counsel emailed Dr. Lopez and conveyed Ms. Bekken's message that she was leaving town on vacation the next day, June 27, and, therefore, she was not available on the proposed date: Friday, June 29. Counsel also

conveyed Ms. Bekken's message that she would not be available again until Thursday, July 5.

On Friday, June 29, the Court's deadline for the psychological report to be submitted, defense counsel received an email from Dr. Lopez repeating her request to speak with Ms. Bekken that same day -- at 2:45 p.m. Counsel immediately responded to remind Dr. Lopez that Ms. Bekken was on vacation and not available that day.

RESPONSE

Ms. Bekken is on vacation until Thursday, July 5. Prior to leaving town, she confirmed she is available to speak with Dr. Lopez by telephone any time that day, July 5. The location of Ms. Bekken's vacation is such that there is no cell phone or Internet service. As a result, defense counsel is unable to determine whether Ms. Bekken is available on Friday, July 6—the date Dr. Lopez would prefer to speak with her.

Mr. Shrout does not oppose the government's motion to continue until July 9 the Court's current deadline for Dr. Lopez to submit her report. He stresses, however, that Ms. Bekken is only available to speak with Dr. Lopez on Thursday, July 5. If Dr. Lopez is unable to speak with Ms. Bekken on July 5, and Ms. Bekken is unable to speak with Dr. Lopez on July 6, it is possible that a further continuance of the report deadline may be necessary.

RESPECTFULLY submitted this 2nd day of July, 2018.

/s/ Ruben L. Iñiguez
Ruben L. Iñiguez
Attorney for Defendant